

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
 MUR 6156) CASE CLOSURE UNDER THE
 RON PAUL 2008 PRESIDENTIAL) ENFORCEMENT PRIORITY
 CAMPAIGN COMMITTEE AND) SYSTEM
 DEANA WATTS, AS TREASURER)

GENERAL COUNSEL'S REPORT

Under the Enforcement Priority System, matters that are low-rated

are

forwarded to the Commission with a recommendation for dismissal.¹ The Commission has determined that pursuing low-rated matters compared to other higher-rated matters on the Enforcement docket warrants the exercise of its prosecutorial discretion to dismiss these cases. The Office of General Counsel scored MUR 6156 as a low-rated matter.

The complainant, Jay Weeldreyer, a former employee of the Ron Paul 2008 Presidential Campaign Committee and Deana Watts, in her official capacity as treasurer ("the Committee"), claims that the Committee accepted an excessive contribution in the form of uncompensated expenses allegedly incurred by him on behalf of the Committee. Mr. Weeldreyer, who had made the maximum \$2,300 contribution in 2007 for then-presidential candidate Ron Paul's primary election race, asserts that he was hired as a field director by the Committee from December 2007 through February 2008. During that time, Mr. Weeldreyer asserts that he incurred a total of \$5,722.11 in expenses on behalf of the campaign, which he later amended to \$5,812.70. Although the Committee repaid him \$4,020.19, Mr. Weeldreyer alleges that the Committee declined to pay him the remaining

1 balance of \$1,792 51 Therefore, Mr Weeldreyer charges that the Committee accepted an
2 excessive contribution from him in that amount, in violation of 2 U S C § 441a(f) and 11
3 C F R § 110 9

4 In response, the Committee maintains that it believed the complainant's claim was
5 settled nearly ten months prior to the complaint being filed According to the Committee, it
6 understood that that Mr Weeldreyer, an independent contractor, had a contract with the
7 Committee whereby the Committee agreed to reimburse him for campaign-related expenses,
8 but not for personal expenses or for charges not authorized by the Committee Nonetheless,
9 the Committee maintains that Mr Weeldreyer submitted an expense account in February 2008
10 for \$5,722 11,² which, according to the Committee, included personal and unauthorized
11 expenses Therefore, the Committee asserts that it chose not to reimburse Mr Weeldreyer for
12 these expenses The Committee cites to an Advisory Opinion for the proposition that contract
13 disputes between political committees and others are matters of state law and, therefore,
14 outside of the Commission's jurisdiction See AO 1981-42 Moreover, the Committee also
15 claims that unreimbursed expenses do not constitute a contribution under 2 U S C
16 § 431(8)(a)(1), since such costs are not authorized by the Committee and, thus, not incurred
17 for the purpose of influencing a federal election

18 It appears that the amount in dispute in this matter is between \$1,701 92 and \$1,792 51
19 The amount is based on alleged unreimbursed expenses incurred by the complainant on behalf
20 of the Committee We note that the disputed debt was not reported as such by the Committee,
21 but also acknowledge the Committee's claim that it was unaware that the debt was in dispute

² In its response, the Committee declines to consider Mr Weeldreyer's amended claim for \$5,812 70, explaining that \$90 59 of the claim was allegedly not processed through the appropriate channels Therefore, the Committee considers \$5,722 11 (\$5,812 70 minus \$90 59) to be the amount of Mr Weeldreyer's claimed reimbursement, and, therefore, \$1,701 92, not \$1,792 51, to be the amount in dispute

1 until the filing of this matter Accordingly, given the relatively small amount at issue in this
2 matter, along with the Commission's priorities and resources, and relative to other matters
3 pending on the Enforcement docket, the Office of General Counsel believes that the
4 Commission should exercise its prosecutorial discretion and dismiss this matter *See Heckler*
5 *v Chaney*, 470 U S 821 (1985) This Office encourages the Committee to report all disputed
6 debts in its disclosure reports until they are extinguished *See 11 C F R §§ 116 10, 104 3(d)*
7 and 104 11

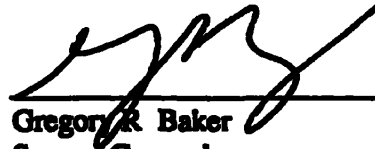
8 **RECOMMENDATIONS**


9 The Office of General Counsel recommends that the Commission dismiss
10 MUR 6156, close the file, and approve the appropriate letters

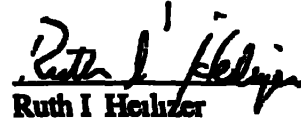
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